

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 00-CR-60

STANLEY HOWARD,

Defendant.

ORDER

On August 28, 2000, this court sentenced Stanley Howard to 120 months' imprisonment for violations of 18 U.S.C. § 1952(a)(3). Howard's total offense level was 35 and he had a criminal history category of IV; under this matrix, his guideline term of imprisonment was 235-293 months. However, the counts to which Howard pled guilty to each carried a statutory maximum term of imprisonment of five years; the court ordered these two counts to run consecutively thus resulting in Howard's ten year sentence.

On November 1, 2007, the United States Sentencing Commission amended the advisory federal sentencing guidelines for criminal offenses involving crack cocaine. On December 11, 2007, the Sentencing Commission further decided that, effective March 3, 2008, these amended guidelines would apply retroactively to all offenders who were sentenced under the previous versions of the sentencing guidelines and who are presently incarcerated. The practical effect of these amendments is that, pursuant to the provisions of 18 U.S.C. § 3582(c)(2),

defendants previously convicted of offenses involving crack cocaine may be eligible for a reduction in their current sentences.

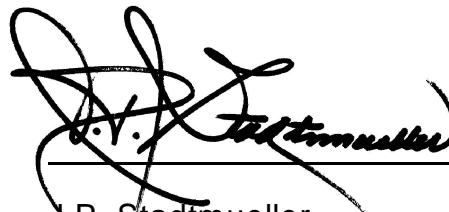
On February 19, 2008, Howard filed a pro se motion to reduce his sentence pursuant to § 3582(c)(2). Having considered Howard's motion, an analysis from the United States Probation Office concerning the application of the amended guidelines to Howard's offense, and a response from the Federal Defender Services in this district, the court concludes that his motion must be denied. Under the amended guidelines, Howard's offense level is now 33, and with his criminal history category of IV, his new advisory guideline imprisonment range is 188-235 months. Howard has already received a sentence substantially lower than 188 months, and the court finds no factual or legal basis to reduce the sentence of 120 months imposed on August 28, 2000.

Accordingly,

IT IS ORDERED that Howard's motion to reduce [Docket #66] be and the same is hereby **DENIED**.

Dated at Milwaukee, Wisconsin, this 4th day of April, 2008.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line.

J.P. Stadtmueller
U.S. District Judge